

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELIE SEVERE,

Plaintiff,

v.

WILLIAM PATRICK GREGORY and TITAN
TRANSFER, INC.,

Defendants

(Wayne County)

Case No.: 22-001389-NI

Hon. Annette J. Berry

MARC J. MENDELSON (P 52798)
DONALD J. CUMMINGS (P 70969)
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NOTICE OF FILING OF REMOVAL

TO: CLERK OF THE COURT
Wayne County Circuit Court
2 Woodward Avenue
Detroit, MI 48226

DONALD J. CUMMINGS (P70969)
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25505 W. 12 Mile Rd., Ste 1000
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PETITION FOR REMOVAL TO FEDERAL COURT

NOW COME Defendants, WILLIAM PATRICK GREGORY and TITAN TRANSFER, INC.,
by and through their attorneys, SECREST WARDLE, and with full reservation of any and all defenses,
respectfully moves this Court, pursuant to 28 USC § 1332, 1441 and 1446, to remove this civil action

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from the Circuit Court for the County of Wayne, Michigan to the United States District Court for the Eastern District of Michigan. In support of this Petition, Defendant states:

1. Plaintiff filed this cause of action in Wayne County Circuit Court on or about February 4, 2022, Case Number 22-001389-NI. Defendants William Patrick Gregory (“Gregory”) and Titan Transfer, Inc., (“Titan”) were served with the Summons and Complaint thereafter, but the initial Complaint included claims under the Michigan No Fault Act (“PIP Claims”) against a Defendant that is domiciled in Michigan, Memberselect Insurance Company (“Memberselect”). (*Exhibit A*).

2. Defendants Gregory and Titan filed a Motion to Sever those first-party PIP Claims against Memberselect from the claims brought against them for third-party automobile negligence. Judge Annette Berry in Wayne County Circuit Court granted Defendants’ Motion and the claims were severed on May 6, 2022. (*Exhibit B*).

3. This case is being removed within thirty (30) days after the date of entry of that Order severing the claims, and creating complete diversity of the parties in this lawsuit. Therefore, time for filing this Notice of Removal has not expired and is timely pursuant to Title 28, United States Code, § 1446.

4. There are no other pleadings, other than the Complaint and respective Answers to that Complaint attached hereto, (*Exhibit A & Exhibit C*), and no other proceedings have been had in the state court action.

5. The above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332 and is one that may be removed to this Court by the Petitioner, Defendants Gregory and Titan, pursuant to the provisions of Title 28, United States Code, Section 1441, in that it is a civil action wherein the matter in controversy exceeds or may exceed the sum of Seventy-Five Thousand and 00/00 (\$75,000.00) Dollars, exclusive

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of costs, attorney fees, and statutory interest, according to the allegations of the injuries and damages in the Complaint, and is between citizens of different states.

6. By her own admission, Plaintiff is a resident of the State of Michigan. (*Exhibit A*)

7. Defendant WILLIAM PATRICK GREGORY, is a resident of the State of Tennessee.

8. Defendant TITAN TRANSFER, INC., is a corporation which is domiciled in the State of Tennessee, with its principal place of business in Shelbyville, Tennessee.

9. The accident underlying Plaintiff's Complaint occurred in the City of Detroit, County of Wayne, in the State of Michigan.

10. Upon filing this Petition of Removal, written Notice of the filing by Defendants has been provided to Plaintiff as required pursuant to 28 USC § 1446. A copy of this Notice is also being filed with the Clerk of Wayne County Circuit Court, where the case was originally filed.

11. That a copy of this Removal has also been filed with the Clerk of the Court for the Circuit Court for the County of Wayne, State of Michigan.

12. Defendants request a trial by jury.

WHEREFORE, Defendants, WILLIAM PATRICK GREGORY and TITAN TRANSFER, INC., give notice that this action is therefore removable to this Court pursuant to 28 United States Code Section 1441 because it is within this Court's original "diversity" jurisdiction. Defendants respectfully request removal of this case from Wayne County Circuit Court to this Honorable Court.

Respectfully Submitted:

/s/ *Renee T. Townsend*

RENEE T. TOWNSEND (P74150)

SECRET WARDLE

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